IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16700 of 2004

Between:

Smt.Sarvarunnisa Begum, ADC.73153 W/o Late Alla Bhakshi,
R/o 1-138, Kotalgadda, Domakonda Mandal, Nizamabad District

..... PETITIONER

AND

1 APSRTC, Musheerabad, Hyderabad rep.by its Managing Director
2 APSRTC, Nizamabad Region, Nizamabad,

rep.by its Regional Manager
3 APSRTC, Bus Depot, Bodhan, Nizamabad District,
rep.by its Depot Manager

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or direction particularly one in the nature of Writ of Mandamus declaring the impugned proceeding No.E1/785(G)/04-BDN dated 25-06-2004 in refusing to consider her case for the compassionate employment for the post of conductor/ attender as illegal, arbitrary, unjust and in violation of Art.14,16 & 21 of the Constitution of India and consequently direct the respondents to consider her case for providing employment on the compassionate grounds along with all consequential benefits in the interest of justice.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent No.: MR.V.T.M.PRASAD

The Court at the stage of admission made the following ORDER :

The petitioner is the widow of an employee of the respondent-Corporation. He died in an accident on 24-01-2002. By that time, there was a ban on compassionate appointments. Therefore, when the respondents offered compensation of Rs.1,00,000/- in lieu of compassionate appointment, the petitioner accepted the said amount. Subsequently, the ban for compassionate appointments was lifted. Therefore, the petitioner demanded compassionate appointment through a legal notice dated 17-06-2004. The respondents gave a reply on 25-06-2004 intimating that since the petitioner received the monitory benefit of Rs.1,00,000/- in lieu of employment, there is no possibility for providing employment to her.

The learned Counsel for the petitioner submits that the receipt of compensation amount is no bar to claim compassionate appointment and the petitioner is ready to refund the amount given to her towards compensation. The learned Counsel for the petitioner relied on the Judgment in "***VICE-CHAIRMAN AND MANAGING DIRECTOR, A.P.S.R.T.C. AND OTHERS v. G.ANJAMMA***[1] wherein a Division Bench of this Court held that the appointment on compassionate grounds to the widow of the deceased cannot be refused on the ground of bar of employment or on the ground of monitory benefits having been extended to the widow, in lieu of her husband's death.

In the light of the above judgment, the payment of the compensation amount to the petitioner cannot be considered as a bar and as the petitioner is coming forward to repay the amount to the Corporation, the respondents 2 and 3 are directed to consider the case of the petitioner regarding her request for appointment under "Bread-Winner Scheme" and pass appropriate orders according to the existing rules and the scheme within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of.

Dr. G. Yethirajulu, J.

Dt:8th October, 2004.

RNS.

ASSISTANT REGISTRAR

To

1 The Managing Director,

APSRTC, Musheerabad, Hyderabad.

2 The Regional Manager,

APSRTC, Nizamabad Region, Nizamabad.

3 The Depot Manager,

APSRTC, Bus Depot, Bodhan, Nizamabad District.

4. Two CD copies.